

CONSTITUTION

MACEDONIAN COMMUNITY WELFARE ASSOCIATION INC

Version September 2012

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1. Name

The name of the incorporated association is MACEDONIAN COMMUNITY WELFARE ASSOCIATION Incorporated (in these Rules called “the Association”).

2. Rules

2.1 In these rules, unless the contrary intention appears:

“Committee” means the Committee of Management of the Association.

“Financial year” means the year ending on 30th June.

“General Meeting” means a general meeting of the members convened accordance with Rule 11.

“Member” means a member of the association.

“Ordinary Member of the Committee” a member of the Committee who is not an officer of the Association.

“The Act” means the Association Incorporation Act 1981.

“The Regulations” means regulations under the Act.

“Region” means the State of Victoria.

2.2 In these Rules a reference to the secretary of an Association is a reference to:

- (a) when a person holds office under these Rules as secretary of the Association to that person; and
- (b) in any other case, to the Public Officer of the Association.

2.3 Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts interpretation Act 1958 and the Act as in force from time to time.

2.4 The registered office of the Association will be the Secretary's Residence of the Association.

3. Statement of Purpose

- 3.1 To facilitate in the development and provision of appropriate welfare services to the Macedonian Community in Victoria.
- 3.2 To coordinate and deliver welfare services to the Macedonian community in Victoria.
- 3.3 To sensitise and influence the policies and practices of government and organisations in the delivery of welfare services to the Macedonian community.
- 3.4 To promote recognition of, and respect for, the contributions of the Macedonian community in the wider Australian community.
- 3.5 To support those working with Macedonians in the welfare sector by providing advice and information.
- 3.6 To undertake community development, community education, advocacy and other functions deemed appropriate in the provision of welfare services to the Macedonian community.
- 3.7 To promote the well-being of the Macedonian community.

4. Application for Membership

- 4.1 A natural person who is nominated and approved for membership within the region as provided in these rules is eligible to be a member of the Association on payment of the annual subscription payable under these rules.
- 4.2 A person who is not a member of the Association at the time of the incorporation of the Association (or who was such a member at that time but has ceased to be a member) shall not be admitted to membership:
 - 4.2.1 unless he is nominated as provided in clause 4.3 and
 - 4.2.2 his admission as a member is approved by the Committee.
- 4.3 A nomination of a person for membership of the Association:
 - 4.3.1 shall be made in writing on the standard form of the Association with a nomination and seconded who are members of the Association
 - 4.3.2 Shall be lodged with the secretary of the Association.

- 4.4 As soon as is practicable after the receipt of a nomination the secretary shall refer the nomination to the Committee.
- 4.5 Upon a nomination being referred to the Committee, the Committee shall determine whether to approve or to reject the nomination.
- 4.6 Upon a nomination being approved by the Committee, the secretary shall, with as little delay as possible, notify the nominee in writing that he is approved for membership of the association and request payment within the period of 28 days after receipt of the notification of the sum payable under these rules as the first year's annual subscription.
- 4.7 The secretary shall, upon payment of the amounts referred to in clause 4.6 within the period referred to in that sub-clause enter the nominee's name in the register of members kept by him and upon the name being so entered, the nominee becomes a member of the association.
- 4.8 A right privilege, or obligation of a person by reason of his membership of the association:
 - 4.8.1 is not capable of being transferred or transmitted to another person.
 - 4.8.2 terminates upon the cessation of his membership whether by death or resignation or otherwise.

5. Annual Subscription

- 5.1 The annual subscription is \$2 and is payable in advance on or before the 1st day of July in each year.

6. Register of Members

- 6.1 The secretary shall keep and maintain a register of members in which shall be entered the full name and the register shall be available for inspection by members at the address of the Public Officer.
- 6.2 An incorporated association must have the word "incorporated" as the last word in its name.

7. Registration and Expulsion of Member

- 7.1 A member of the Association who has paid all moneys due and payable by him to the Association may resign from the Association by first giving one months' notice in writing to the secretary of his intention to resign and upon the expiration of that period of notice, the member shall cease to be a member.
- 7.2 Upon the expiration of a notice given under clause 7.1 the secretary shall make in the register of members an entry recording the date on which the member by whom the notice was given ceased to be a member.
- 7.3 Subject to these rules, the Committee may by resolution:
 - 7.3.1 expel a member from the Association;
 - 7.3.2 suspend a member from membership of the Association for a specified period, or;
 - 7.3.3 fine a member in accordance with the Regulations if the Committee is of the opinion that the member:
 - 7.3.3.1 has refused or neglected to comply with these rules or;
 - 7.3.3.2 has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association.
- 7.4 A resolution of the Committee under clause 7.3:
 - 7.4.1 does not take effect unless the Committee at the meeting held not earlier than 14 and not later than 28 days after the service on the member of a notice under clause 7.3 confirms the resolution in accordance with this clause, and
 - 7.4.2 where the member exercises a right of appeal to the Association under this clause does not take effect unless the Association confirms the resolutions in accordance with this clause.
- 7.5 Where the Committee passes a resolution under clause 7.3 the secretary shall, as soon as practicable, cause to be served on the member a notice in writing :
 - 7.5.1 setting out the resolution of the committee and the grounds on which it is based:

- 7.5.2 stating that the member may address the committee at a meeting to be held not earlier than 14 and not later than 28 days after service of the notice;
- 7.5.3 stating the date , place and time of that meeting;
- 7.5.4 informing the member that he may do one or more of the following:
 - 7.5.4.1 Attend that meeting
 - 7.5.4.2 Give to the Committee before the date of that meeting a written statement seeking revocation of the resolution;
 - 7.5.4.3 Not later than 24 hours before the date of the Meeting, lodge with the secretary a notice to the effect that he wishes to appeal to the Association in general meeting against the resolution.
- 7.5.5 At a meeting of the Committee held in accordance with this clause the Committee:
 - 7.5.5.1 shall give to the member an opportunity to be heard;
 - 7.5.5.2 shall give due consideration to any written statement by the member and;
 - 7.5.5.3 shall be resolution determine whether to confirm or to revoke the resolution.
- 7.5.6 Where the secretary receives a notice under clause 7.5.4 he shall notify the Committee and the Committee shall convene a general meeting of the Association to be held within 21 days after the date on which the secretary received the notice.
- 7.5.7 At a general meeting of the Association convened under clause 7.5.6:
 - 7.5.7.1 no business other than the question of the appeal shall be transacted;
 - 7.5.7.2 the Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
 - 7.5.7.3 the member shall be given an opportunity to be heard and;

7.5.7.4 the members present shall vote by select ballot on the question whether the resolution should be confirmed or revoked.

7.5.8 If at the general meeting:

7.5.8.1 two-thirds of the members vote in the person or by proxy in favour of the confirmation of the resolution, the resolution is confirmed: and;

7.5.8.2 in any other case, the resolution is revoked.

8. Annual General Meeting

8.1 To be called a general meeting.

8.2 The Association shall in each calendar year convene an annual general meeting of its members.

8.3 The annual general meeting shall be held in the third quarter of each year.

8.4 The annual general meeting shall be specified as such in the notice convening it.

8.5 The ordinary business of the annual general meeting shall be:

8.5.1 to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;

8.5.2 to receive from the Committee reports upon the transactions of the Association during the last preceding financial year;

8.5.3 to elect officers of the Association and the ordinary members of the Committee, and;

8.5.4 to receive and consider the statement submitted by the Association in accordance with section 30.3 of the Act.

8.6 The annual general meeting may transact special business of which notice is given in accordance with these rules.

8.7 The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

9. Special General Meeting

- 9.1 All general meetings other than the annual general meeting shall be called special general meetings.
- 9.2 The Committee shall convene a special general meeting of the Association and where, but this sub-clause, more than 15 months would lapse between annual general meetings shall convene a special general meeting before the expiration of the period.
- 9.3 Special meetings of the Association shall be held on a bi-monthly basis.
- 9.4 The committee shall, on the requisition in writing of members representing not less than 5% of the total number of members, convene a special general meeting of the Association.
- 9.5 The requisition for a special general meeting shall state the objects of the meetings and shall be signed by the members making the requisition and be sent by the members making the requisition and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
- 9.6 If the Committee does not cause a special general meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition or any of them may convene a special general meeting to be held not later than 3 months after that date.
- 9.7 A special general meeting convened by members in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Committee and all be refunded by the Association to the persons incurring the expenses.

10. Notice of Meeting

- 10.1 The Secretary of the Association shall at least 14 days before the date fixed for holding a general meeting of the Association, cause to be sent to each member of the Association at his address appearing in the register of

members, a notice by post stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

10.2 No business other than that set out in the notice covering the meeting shall be transacted at the meeting.

10.3 A member desiring to bring any business before a meeting may give notice of that business in writing to the secretary who shall include that business in the notice calling the next general meeting after the receipt of the notice.

11. Proceedings at Meetings

11.1 All business that is transacted at a special general meeting and all business that is transacted at the annual general meeting with the exception of that specially referred to in these rules as being the ordinary business of the annual general meeting shall be deemed to be special business.

11.2 No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.

11.3 Five (5) members personally present (being members entitled under those rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

11.4 If within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present being not less than shall be a quorum.

11.5 The President, or in his absence the Vice-President, shall preside as Chairman at each general meeting of the Association.

- 11.6 If the President and Vice-President are absent from a general meeting, the members present shall elect one of their number to preside as Chairman at the meeting.
- 11.7 The Chairman of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 11.8 Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.
- 11.9 Except as provided in sub-clauses (13.1 and 13.2) it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.
- 11.10 A question arising at a general meeting of the Association shall be determined on a show of hands and unless before or on the declaration of the show of hands a poll is demanded a declaration by the Chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and an entry to that effect in the Minute Book of the Association is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against that resolution.
- 11.11 Upon any question arising at general meeting of the Association, a member has one vote only.
- 11.12 All votes shall be given personally.
- 11.13 In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- 11.14 If at a meeting a poll on any question is demanded by not less than three members it shall be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be resolution of the meeting on that question.
- 11.15 A poll that is demanded on the election of a Chairperson or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any

other question shall be taken at such time before the close of the meeting as the Chairperson may direct.

11.16 A member is not entitled to vote at any general meeting unless all moneys due and payable by him to the Association have been paid, other than the amount of the annual subscription payable in respect of the current financial year.

11.17 A member is not entitled to vote at an annual general meeting unless he has been a member for more than 2 months of the Association.

12. Committee of Management

12.1 The Affairs of the Association shall be managed by a Committee of Management.

12.2 The Committee:

12.2.1 shall control and manage the business and affairs of the Association;

12.2.2 may subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these rules to be exercised by general meetings of the members of the Association; and

12.2.3 subject to these rules, the regulations and the Act has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association.

12.2 The officers of the Association shall be:

12.2.3 President;

12.2.4 Vice-President;

12.2.5 Treasurer and Vice-Treasurer;

12.2.6 Secretary and an Assistant Secretary

12.4 The provisions of Rule 21 so far as they are applicable and with the necessary modifications apply to and in relation to the election of persons to any of the offices mentioned in this clause.

- 12.5 Each officer of the Association shall hold office referred to in clause 12.3 until the annual general meeting next after the date of his election.
- 12.6 In the event of a casual vacancy in any office referred to in clause 12.3 the Committee may appoint one of its members to the vacant office and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of his appointment.
- 12.7 Subject to section 23 of the Act,
 - 12.7.1 the Committee shall consist of:
 - 12.7.1.1 the officers of the Association; and
 - 12.7.1.2 Four (4) ordinary members each whom shall be elected at the annual general meeting of the Association in each year.
 - 12.7.2 Each ordinary member of the Committee shall, subject to these rules, hold office until the annual general meeting next after the date of his election but is eligible for re-election.
 - 12.7.3 In the event of a casual vacancy occurring in the office of an ordinary member of the Committee, the Committee may appoint a member of the Association to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of his appointment.

13. Election of Officers and Vacancy

- 13.1 Nominations of candidates for election as officers of the Association or as ordinary member of the Committee:
 - 13.1.1 shall be by those who have been a member of the Association for not less than two months;
 - 13.1.2 Shall be made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and

- 13.1.3 shall be delivered to the Secretary of the Association not less than 7 days before the date fixed for the holding of the annual general meeting;
 - 13.1.4 If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting;
 - 13.1.5 If the number of nominations received is equal to the number of the vacancies to be filled, the persons nominated shall be deemed to be elected;
 - 13.1.6 The ballot for the election of officers and ordinary members of the Committee shall be conducted at the annual general meeting in such usual and proper manner as the Committee may direct.
- 13.2 For the purposes of these rules the office of an officer of the Association or of an ordinary member of the Committee becomes vacant if the officer or member:
- 13.2.1 ceases to be a member of the Association; or
 - 13.2.2 becomes an insolvent under administration within the meaning of the Companies (Victoria) Code; or
 - 13.3.3 resigns his office by notice in writing given to the Secretary.

14. Proceedings of Committee Meetings

- 14.1 The Committee shall meet at least once each month at such place and such times as the Committee may determine;
- 14.2 Special meetings of the Committee may be convened by the President or by any of the members of the Committee;
- 14.3 Notice shall be given to members of the Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting;

- 14.4 Any 4 members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee;
 - 14.5 No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses;
 - 14.6 At meetings of the Committee:
 - 14.6.1 The President or in his absence the Vice-President shall preside; or
 - 14.6.2 If the President and the Vice-President are absent such one of the remaining members of the Committee as may be chosen by the members present shall preside.
 - 14.7 Question arising at a meeting of the Committee or of any subcommittee appointed by the Committee shall be determined on a show of hands or, if demanded by a member by a poll taken in such manner as the person presiding at the meeting may determine.
 - 14.8 Each member present at a meeting of the Committee or of any subcommittee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote and in the event of any equality of votes on any question the person presiding may exercise a second or casting vote.
 - 14.9 Written notice of each Committee meeting shall be served on each member of the Committee by delivering it to him at a reasonable time before the meeting or by sending it by post addressed to him at his usual or last address known place of abode at least 14 business days before the date of the meeting.
 - 14.10 Subject to sub-clause (22.4) the Committee may act notwithstanding any vacancy on the Committee.
- 15. Powers to Appoint Co-Opted Members, Standing Committees / Sub-Committees**
- 15.1 The Management Committee of the Association may appoint co-opted members, such standing committee or subcommittee as are deemed

necessary to further the work of the Association and shall define their functions and may dissolve such committees.

15.2 Persons who are not members of the Association may be appointed as co-opted members to any such standing or ad-hoc committees provided that the Chairperson on each such Committee is a general committee member or on the Management Committee of the Association.

15.3 All standing or subcommittees shall be advisory and shall function as authorised by the Committee of Management by which they were appointed.

15.4 Any standing or subcommittee approved after the incorporation of the Association of the Association or functioning before the Associations incorporation which is providing a specific activity for the community at a fee shall:

15.4.1 Provide a financial report to the management committee on a monthly basis and shall hold and be responsible for managing separate accounts;

15.4.2 Report on the progress of activities, functions or any problems the subcommittee may be experiencing in the delivery of their activities;

15.4.3 Shall have elections for office bearers on annual basis/or so appointed by the Management Committee;

15.4.4 The Chairperson of the Association shall be ex-officio member of all such sub-standing or subcommittees and shall have the right to attend all meetings of such committees.

16. Secretary

16.1 The Secretary of the Association shall keep minutes of the resolutions and proceedings of each general meeting and each committee meeting in books provided for that purposes together with a record of the names of persons present at committee meetings.

17. Treasurer

17.1 The Treasurer of the Association:

- 17.1.1 shall collect and receive all moneys due to the Association and made all payments authorised by the Association; and
- 17.1.2 Shall keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- 17.2 The accounts and the books referred to in clause 26.1 shall be available for inspection by members.

18. Removal of Member of Committee

- 18.1 The Association in a special committee meeting may by resolution remove any member of the Committee before the expiration of his term of office and appoint another member in his stead to hold office until the expiration of the term of the first- mentioned member.
- 18.2 Where the member to whom a proposed resolution referred to in clause 18.1 makes representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and requests that they be notified to the members of the Association, the Secretary or the President may send a copy of the representations to each member of the Association, if they are not so sent the member may be required that they be read out at the meeting.

19. Under the Community Advancement Act Accounts

- 19.1 True accounts shall be kept of the amounts of money received and explained by the Association and the matters in respect of which such receipts or expenditure takes place and of the property assets and liabilities of the Association and subject to any reasonable restrictions as to time and manner of inspecting that may Association for the time being shall be open to the inspection of the members. Once at least in every year the accounts of the Association shall be examined by one or more properly qualified auditor in accordance to the Community Development Advancement Act.

20. Purpose

- 20.1 The Macedonian Community Welfare Association is established for the purposed of carrying out the objects set out in the statement of purpose and solely for the purpose of carrying the above mentioned statement of purpose the Association will have power to:
- 20.1.1 To purchase, sell, manager, lease, mortgage, dispose of or otherwise deal with all or any part of the property of the Association.
 - 20.1.2 To borrow and raise money in such manner as the Association my think fit
 - 20.1.3 To use the monies of the Association or any part of parts thereof for the purpose of carrying into effect the said objects of the Association.
 - 20.1.4 To employ such staff, servants or agents or other assistance upon such terms and conditions for re-numeration or otherwise as the Committee of Management may think fit.
 - 20.1.5 To solicit subscriptions and donations as the Association may think.
 - 20.1.6 To cause the monies of the Association to be invested from time to time in such a manner as may be authorised by the laws of the State of Victoria.
 - 20.1.7 To undertake and execute any trusts which are directly or indirectly conducive to any of the objects of the Association.
 - 20.1.8 To construct, furnish, equip, maintain and alter any houses, building premises or conveniences for the objects of the Association in consultation with the appropriate bodies.
 - 20.1.9 To purchase or lease such accommodation and to purchase lease or hire such chattels as the Committee of Management may think necessary for the administration of the Association.
 - 20.1.10 To manage the business of the Association (including payment of all expenses incurred in promoting, constituting and registering the Association and to exercise all such powers of the Association as are

noted by the Act or by those regulations required to be exercised by the Association in the general meeting and shall make all rules and regulations as may be required.

20.1.11 To amalgamate with any companies, institutions, societies or associations having objectives similar to those of the Association and whose memorandum or Association or Constitution prohibits the division of its income and property among its members at least to the same extent as provided.

20.1.12 To accept any gift of money, property or subsidy whether subject to any trusts or, for any one or more of the objects of the Association as and in accordance with any restrictions or conditions imposed by law or otherwise related thereto.

20.2 The income and property of the Association whence over derived shall be applied solely towards the promotion of the Association as set forth in the Statement of Purposes and no portion whereof shall be paid or transferred directly or indirectly by the Association that nothing herein contained shall prevent payment in good faith or remuneration to any officers or servants of the Association nor for goods supplied in the ordinary and usual way of business, nor prevent the payment of interest at a rate not exceeding the rate for the time being fixed for the purpose of this paragraph by the Rules on money borrowed from any member of the Council or reasonable and proper rent for premises leases or let by any member to the Association or the repayment of disbursements of any member on the Board of Management.

21. Signing of Cheques and Other Instruments

21.1 All cheques, drafts bills of exchange, promissory notes and other negotiable instruments shall be signed by two members of the Committee.

22. Seal

- 22.1 The common Seal of the Association shall be attested by the signatures either of two members of the Committee or of one members of the Committee and of the Public officer of the Association.

23. Alteration of Rules and Statement of Purpose

- 23.1 These rules and the statements of purpose of the Association shall not be altered except in accordance with the Act.

24. Notices

- 24.1 A notice may be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at his address shown in the Register of Members.
- 24.2 Where a document is properly addressed prepaid and posted to a person as a letter, the document shall unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

25. Winding up or cancellation

- 25.1 In the event of the winding up or the cancellation of the Association, the assets of the Association shall be disposed of in accordance with the provisions of the Act.

26. Custody of Records.

- 26.1 Except as otherwise provided in these Rules, the secretary shall keep in his custody or under his control all books, documents and securities of the Association.

27. Funds

27.1 The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Committee determines.

28. Non-profit

The assets and income of the Association shall be applied solely in furtherance of its abovementioned objects and no portion shall be distributed directly or indirectly to the members of the Association except as bona fide compensation for services rendered or expenses incurred on behalf of the Association.

29. Revocation

If the endorsement of the Association as a deductible gift recipient is revoked, the following shall be transferred to another organisation to which income tax deductible gifts can be made – any surplus:

- 29.1 Gifts of money or property for the principal purpose of the Association;
- 29.2 Contributions made in relation to an eligible fundraising event held for the principal purpose of the Association; and
- 29.3 Money received by the Association because of such gifts and contributions.

30. Winding Up

In the event of the Association being wound up, any surplus assets remaining after the payment of the Association's liabilities shall be transferred to another Association with similar objects to which income tax deductible gifts can be made.